

# **Chevy Chase Village Board of Managers**

## **April 3, 2006**

### **BOARD OF MANAGERS**

George L. Kinter, Chair	Present
Douglas B. Kamerow, Vice Chair	Absent
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
David L. Winstead, Board Member	Present
Peter M. Yeo, Board Member	Present

### **STAFF**

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Present

George L. Kinter, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Dr. Kamerow was absent. Mr. Yeo arrived at 7:33 p.m.

### **Approval of Minutes from the March 13, 2006 Board Meeting**

Ms. Eig submitted changes prior to the meeting.

**Mr. Winstead made a motion to approve the minutes of the March 13, 2006 Board Meeting as amended. Ms. Feldman seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. Mr. Yeo had not arrived yet. The motion passed.**

### **Treasurer's Report**

Copies of the Treasurer's report were distributed to the Board prior to the meeting. Discussion followed.

### **Committee Reports**

#### **Building Facilities Commission**

Mary Anne Tuohey, Chair of the Building Facilities Commission, commented on the success of recent activities including the Annual Art Show and Parents' Night Out. Ms. Tuohey also advised of the upcoming start of the Spring Class Session and of a visit by the "Mad Scientist", sponsored by the Committee on Children, Youth and Families.

Ms. Tuohey stated that the Commission had finalized a Hall Rental summary sheet, which she distributed to the Board members for their review and comment. If the summary sheet is

approved, it will be distributed to residents at the Annual Meeting on April 17, 2006. Ms. Tuohey outlined changes the Commission approved for the rental process. Discussion followed.

### **Brookville Road Working Group**

Samuel A. Lawrence presented the Group's report on behalf of absent Chair Douglas B. Kamerow. Mr. Lawrence provided a summary of the survey results as provided by the engineering firm of Rummel, Klepper & Kahl (RK&K). Discussion followed.

Mr. Biddle stated that the Group needed the Board to approve its mission statement, which was circulated to the Board prior to the meeting. Mr. Lawrence added that the Group also needed the Board's direction on how it would like the Group to proceed with investigating potential projects through the State Highway Administration (SHA). Ms. Feldman and Mr. Winstead stated they felt the statement was too broad and asked for it to be modified with increased specificity as to how the Group would operate. Ms. Eig added that the order of events outlined within the statement was also unclear. Mr. Lawrence responded that he, Mr. Biddle and Ms. Feldman would work to re-draft the statement to clarify the areas noted. Discussion followed.

### **Proposed Tax Rate and Budget for FY2007**

Samuel A. Lawrence, Chair of the Budget Committee, advised the audience of the proposed real property tax rate. There were no comments or questions from the Board and audience. A Resolution will be placed on the April 17, 2006 Annual Meeting agenda for a formal vote.

### **Decisions on Previous Appeals**

None.

### **Appeals**

**A-5069: Mr. and Mrs. Marc D. Weller, 26 Oxford Street--Replacement of a fence measuring six and one-half feet (6 ½') in height along the south property line between the front (Brookville Road) property line and the twenty-five foot (25') front building restriction line.** Mr. Weller was in attendance to present the request. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the replacement of a fence measuring six and one-half feet (6 ½') in height along the south property line between the front (Brookville Road) property line and the twenty-five foot (25') front building restriction line. Ms. Feldman seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.**

**A-5070: Mr. and Mrs. Edmund Bartlett, 4 West Melrose Street—Replacement and extension of a fence measuring six and one-half (6 ½) feet in height on top of an existing retaining wall measuring three and one-half (3 ½) feet in height with a proposed total maximum height not to exceed ten (10) feet along the west property line.** Mr. Bartlett was in attendance to present the request.

**Ms. Stephens made a motion to direct Counsel to draft a decision approving the replacement and extension of a fence measuring six and one-half (6 ½) feet in height on top**

**of an existing retaining wall measuring three and one-half (3 ½) feet in height with a proposed total maximum height not to exceed ten (10) feet along the west property line. Mr. Winstead seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.**

**A-1541: Mr. Peter G. Freeman and Ms. Jill P. Fine, 105 Oxford Street—Removal of one Black Walnut tree measuring 34.0 inches in diameter located in the rear yard of the property.** Mr. Freeman and Ms. Fine were in attendance to present their request.

Ralph Stephens of the Village Tree Committee reported that three members of the Tree Committee opposed the removal. Bob Elliott of the Tree Committee submitted an email in support of the removal. Tree Committee member Samuel Lawrence added his objection to the removal and suggested pruning to lessen the hazard of falling walnuts.

Brandon Fried of 107 Oxford Street, an adjoining neighbor of the applicants, was in attendance and stated his support of the removal.

Ms. Eig stated that there are few large trees that do not present problems or produce droppings. Mr. Yeo stated that he was sympathetic to the applicants' specified concern, but that there had been a recent case under similar circumstances that was denied because there was no proposed addition, deck, etc., warranting the removal. Ms. Stephens added that she also sympathized with the request, but also felt the tree did not warrant removal. Ms. Feldman referenced a recent tree removal appeal that was approved by the Board due to the applicant's testimony of personal safety. Mr. Winstead added his opposition to the removal because he felt one of the Village's unique qualities is its tree canopy. Discussion followed.

**Mr. Kinter made a motion to direct Counsel to draft a decision approving the removal of one Black Walnut tree measuring 34.0 inches in diameter located in the rear yard of the property. Ms. Feldman seconded the motion. Mr. Kinter and Ms. Feldman voted in favor of the motion. Ms. Eig, Ms. Stephens, Mr. Winstead and Mr. Yeo did not vote in favor of the motion. The motion did not pass.**

**Ms. Eig made a motion to deny the request to remove one Black Walnut tree measuring 34.0 inches in diameter located in the rear yard of the property. Ms. Stephens seconded the motion. Ms. Eig, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. Mr. Kinter and Ms. Feldman did not vote in favor of the motion. The motion passed.**

Mr. Lawrence added that he felt the Tree Committee should draft a proposal of when they feel the Village should contribute its resources to protect specimen trees.

**A-1542: Mr. and Mrs. Brian A. Porto, 5414 Center Street—Removal of one Nellie Stevens Holly tree measuring 12.0 inches in diameter located in the rear yard of the property.** Mr. Porto was in attendance to present the request.

Samuel Lawrence of the Village Tree Committee was in attendance on behalf of absent Chair Robert Elliott and stated that the Committee supported the removal with the suggestion that the

Board require reforestation with a hardwood deciduous canopy tree. Ms. Eig responded that she did not feel the applicants should be required to reforest with a canopy tree because the subject tree is not a canopy tree. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the removal of one Nellie Stevens Holly tree measuring 12.0 inches in diameter located in the rear yard of the property. Ms. Feldman seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.**

### **Old Business**

**Resolution No. 04-03-06: An ordinance to amend the Village Procurement Code to increase to \$15,000.00 the amount over which competitive sealed bidding is the preferred method of procurement and to authorize open market purchases and sales up to \$15,000.00.** Mr. Podolsky stated that Ms. Eig had contacted him with a modification to the Resolution prior to the meeting. Discussion followed.

**Ms. Stephens made a motion to approve Resolution No. 04-03-06 as amended. Mr. Winstead seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.**

Marc Weller of 26 Oxford Street stated that he felt the permit fees should be increased in light of the amount of money owners are spending on home improvement projects. He stated he felt the fees should be increased to recoup all of the Village's costs for processing the application. Mr. Weller asked for an update on the Montgomery County Department of Public Works and Transportation's proposal to shift ride-on bus route #1 service to Brookville Road. Mr. Kinter replied that SHA was pursuing a remote-activated control for the pedestrian crosswalk signal on Connecticut Avenue between Leland and Woodbine Streets.

### **New Business**

None.

### **Chair's Report**

None.

### **Manager's Report**

**Chevy Chase Center Blasting Damage:** Mr. Biddle requested the Board's authorization to direct Legal Counsel to work with Counsel for the Chevy Chase Land Company (Land Company) to begin drafting an agreement regarding the damage estimate payout for the total amount requested by the responding residents. Mr. Podolsky stated that at this time it is unknown how much of his time would be required in editing the agreement. Discussion followed. The Board authorized the Village's Legal Counsel to proceed with discussions with Legal Counsel for the Land Company.

**Lampposts:** Mr. Biddle referenced a 1999 Resolution, in which a preamble exempted lampposts from the definition for “structure”. He asked the Board for approval to direct Legal Counsel to draft a Resolution pursuant to the aforementioned preamble. Mr. Podolsky presented history of the Board’s decision in regard to lampposts and stated that if the Board chose to modify the Code to exempt lampposts from the definition for “structures, the Board would then need to specify a definition for “lampposts”. The Board decided to continue to include lampposts under the definition for “structure”.

### **Police Report**

Copies of the Police Report were distributed to the Board prior to the meeting. Discussion followed regarding a home invasion that occurred on March 27, 2006 on Underwood Street in Section 5 of the Village of Chevy Chase.

**Mr. Kinter made a motion to adjourn the open meeting to convene in Executive Session to obtain legal advice from Village Counsel. Ms. Eig seconded the motion. Mr. Kinter, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 9:21 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*